

REMARKS –General

By the above amendment, applicant has amended the title to emphasize the narrowed scope of the invention in compliance with the necessary Restriction and Election of Species.

Also applicant has rewritten all claims to define a single invention more particularly and distinctly, as required by Examiner's Restriction. Original independent claim 1 has been narrowed from cart to shopping cart. Original independent claim 3 has been abandoned. Original independent claim 5 has been redrawn to conform to both Examiner's Restriction and to the required Election of Species.

From the twelve patentably distinct species defined by Examiner, applicant has elected Species I, illustrated in figures 1, 2, 6, and 12.

Also applicant has rewritten the abstract to narrow the invention to elected Species I.

**Compliance with Restriction upon Invention I.:** Applicant has, in the above amendment, narrowed the scope of this invention's previous defining claim, now Claim 7, to make it read on Species I. It is respectfully submitted that Invention I now meets both of Examiner's tests for distinctness as between product and process of use. Test (1) cited by Examiner was if process for using the product as claimed could be practiced with another materially different product. We respectfully submit that a materially different cart, such as a nesting-type of cart, would not be capable of substitution for the cart now claimed because it would lack the necessary height, and also in most cases lack the necessary container-release mechanisms.

Test (2) cited by Examiner was whether the product could be used in a different process, such as for transporting non-purchased items such as for storage of materials present in a residential environment. It is respectfully submitted that such transport, under the broadened process definition now offered in Claim 11, is permissible within the scope of Species 1, where such alternative transport is illustrated in Fig. 6.

**Compliance with Restriction upon Invention II.:** Both claims to Invention II have been cancelled by applicant in the above amendment.

**Compliance with Restriction upon Invention III.:** It is respectfully submitted that this invention has been removed from the application by the action of this amendment, its redrawn claims, and its election of Species 1. Accordingly, applicant submits that all active claims now read on Species 1.

### **Conclusion**

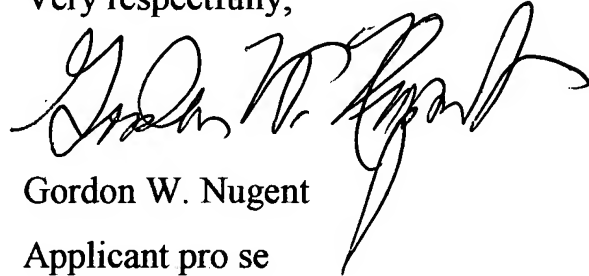
For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore applicant submits that this application is now in condition for allowance, which action he respectfully solicits.

### **Conditional Request for Constructive Assistance**

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason, this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P 706.03(d)

and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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Wednesday, February 23, 2005

Inventor's signature:

